

IC 31-32

ARTICLE 32. JUVENILE LAW: JUVENILE COURT PROCEDURES

IC 31-32-1

Chapter 1. Applicable Rules of Procedure

IC 31-32-1-1

Applicability of rules governing criminal trials

Sec. 1. If a child is alleged to be a delinquent child, the procedures governing criminal trials apply in all matters not covered by the juvenile law.

As added by P.L.1-1997, SEC.15.

IC 31-32-1-2

Applicability of laws governing criminal trials

Sec. 2. If a person is charged with a crime, the laws governing criminal trials apply.

As added by P.L.1-1997, SEC.15.

IC 31-32-1-3

Applicability of Indiana Rules of Trial Procedure

Sec. 3. In cases not subject to section 1 or 2 of this chapter, the Indiana Rules of Trial Procedure apply in all matters not covered by the juvenile law.

As added by P.L.1-1997, SEC.15.

IC 31-32-1-4

Hearing notices regarding CHINS or delinquent cases

Sec. 4. (a) Any written notice of a hearing or other court proceeding in a child in need of services case under IC 31-34 or a delinquency case under IC 31-37 shall be given to:

(1) a party in the manner provided by Rule 5 of the Indiana Rules of Trial Procedure; or

(2) an individual who is not a party by:

(A) personal delivery to the individual; or

(B) mail as provided in Rule 5(B)(2) of the Indiana Rules of Trial Procedure.

(b) Notice by mail must be deposited in the United States mail not less than five (5) calendar days (excluding Saturdays, Sundays, and national legal holidays recognized by the federal government) before the date of the scheduled hearing or proceeding.

(c) Written notice may be given by either:

(1) a copy of a court order or docket entry; or

(2) a letter addressed to the individual required to be notified;

that states the date, time, and purpose of the hearing or proceeding.

(d) Written notice is not required if verbal notice of the date, time, place, and purpose of the hearing or proceeding is given by the court at an earlier hearing or proceeding at which the individual to be notified is present.

- (e) Written notice is not required if:
 - (1) the hearing or proceeding is scheduled to be held at a time within forty eight (48) hours (excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees) after the court sets the time for the hearing or proceeding; and
 - (2) the individual responsible for giving the notice under this section:
 - (A) provides verbal notice of the date, time, place, and purpose of the hearing or proceeding directly to the person required to be notified; and
 - (B) verifies by affidavit or testimony at the hearing that verbal notice was given as required under this subsection.
- (f) Except as provided in subsection (d):
 - (1) the department is responsible for giving all notices of a hearing or proceeding in a child in need of services case under IC 31-34; and
 - (2) the prosecuting attorney or the probation department of the juvenile court is responsible for giving all notices of a hearing or proceeding in a delinquency case under IC 31-37.

As added by P.L.138-2007, SEC.64.

IC 31-32-2

Chapter 2. Rights of Persons Subject to Juvenile Court Jurisdiction

IC 31-32-2-1

Rights of child

Sec. 1. Except when a child may be excluded from a hearing under IC 31-32-6, a child is entitled to:

- (1) cross-examine witnesses;
- (2) obtain witnesses or tangible evidence by compulsory process; and
- (3) introduce evidence on the child's own behalf.

As added by P.L.1-1997, SEC.15.

IC 31-32-2-2

Additional rights of child charged with delinquent act

Sec. 2. In addition to the rights described in section 1 of this chapter, a child charged with a delinquent act is also entitled to:

- (1) be represented by counsel under IC 31-32-4;
- (2) refrain from testifying against the child; and
- (3) confront witnesses.

As added by P.L.1-1997, SEC.15.

IC 31-32-2-2.5

Privileged statements made to a mental health evaluator; exceptions

Sec. 2.5. (a) This section applies only to a court ordered or voluntary mental health:

- (1) screening;
- (2) assessment;
- (3) evaluation; or
- (4) treatment;

provided by or under the direction of an evaluator, as defined in IC 31-9-2-43.8, in conjunction with proceedings under this article.

(b) Except as provided in subsection (d) and except for purposes of:

- (1) a probation revocation proceeding; or
- (2) a modification of a dispositional decree under IC 31-37-22;

a statement communicated to an evaluator in the evaluator's official capacity may not be admitted as evidence against the child on the issue of whether the child committed a delinquent act or a crime.

(c) This section does not affect the admissibility of evidence when a juvenile interposes the defense of insanity.

(d) This section does not affect a disclosure or reporting requirement in effect on July 1, 2007, under statute or in case law regarding a statement that:

- (1) relates directly to the facts or immediate circumstances of a homicide; or
- (2) reveals that the child may intend to commit a crime.

As added by P.L.120-2007, SEC.3.

IC 31-32-2-3

Rights of parent, guardian, or custodian

Sec. 3. (a) This section applies to the following proceedings:

- (1) Proceedings to determine whether a child is a child in need of services.
- (2) Proceedings to determine whether the parent, guardian, or custodian of a child should participate in a program of care, treatment, or rehabilitation for the child.
- (3) Proceedings to determine whether the parent or guardian of the estate of a child should be held financially responsible for any services provided to the parent or guardian or the child of the parent or guardian.
- (4) Proceedings to terminate the parent-child relationship.

(b) A parent, guardian, or custodian is entitled:

- (1) to cross-examine witnesses;
- (2) to obtain witnesses or tangible evidence by compulsory process; and
- (3) to introduce evidence on behalf of the parent, guardian, or custodian.

As added by P.L.1-1997, SEC.15.

IC 31-32-2-4

Waiver to court having criminal jurisdiction; requirement for criminal charge or conviction

Sec. 4. A child may not be charged with or convicted of a crime, except a crime excluded by IC 31-30-1, unless the child has been waived to a court having criminal jurisdiction.

As added by P.L.1-1997, SEC.15.

IC 31-32-2-5

Parent's right to representation by counsel

Sec. 5. A parent is entitled to representation by counsel in proceedings to terminate the parent-child relationship.

As added by P.L.1-1997, SEC.15.

IC 31-32-2-6

Adjudication not considered criminal conviction; civil disability not imposed

Sec. 6. (a) A child may not be considered a criminal as the result of an adjudication in a juvenile court, nor may an adjudication in juvenile court be considered a conviction of a crime.

(b) An adjudication in juvenile court does not impose any civil disability imposed by conviction of a crime.

As added by P.L.1-1997, SEC.15.

IC 31-32-2-7

Contact with juvenile justice system not disqualification from governmental application, examination, or appointment

Sec. 7. A child's contact with the juvenile justice system does not disqualify the child from any governmental application, examination,

or appointment.

As added by P.L.1-1997, SEC.15.

IC 31-32-3

Chapter 3. Guardians Ad Litem and Court Appointed Special Advocates

IC 31-32-3-1

Appointment

Sec. 1. (a) The juvenile court may appoint a guardian ad litem or a court appointed special advocate, or both, for the child at any time.

(b) The juvenile court may appoint an early intervention advocate for a child who is participating in a preventative program for at-risk children that has been established by the court under section 11 of this chapter.

As added by P.L.1-1997, SEC.15. Amended by P.L.183-2011, SEC.5.

IC 31-32-3-2

Persons ineligible for appointment

Sec. 2. A court may not appoint a party to the proceedings, an employee of a party to the proceedings, or a representative of a party to the proceedings as the:

- (1) guardian ad litem;
- (2) court appointed special advocate;
- (3) guardian ad litem program; or
- (4) court appointed special advocate program;

for a child involved in the proceedings.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-3

Appointment of child's attorney as guardian ad litem or court appointed special advocate

Sec. 3. A guardian ad litem or court appointed special advocate need not be an attorney, but the attorney representing the child may be appointed the child's guardian ad litem or court appointed special advocate.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-4

Representation by attorney

Sec. 4. The guardian ad litem or the court appointed special advocate may be represented by an attorney.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-5

Court appointment of attorney

Sec. 5. If necessary to protect the child's interests, the court may appoint an attorney to represent the guardian ad litem or the court appointed special advocate. The court may only appoint one (1) attorney under this section.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-6

Representation of best interests of child

Sec. 6. A guardian ad litem or court appointed special advocate shall represent and protect the best interests of the child.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-7**Officers of the court**

Sec. 7. The guardian ad litem or the court appointed special advocate, or both, shall be considered officers of the court for the purpose of representing the child's interests.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-8**Term of appointment**

Sec. 8. (a) A guardian ad litem or court appointed special advocate serves until the juvenile court enters an order for discharge under IC 31-34-21-11 or IC 31-37-20-7.

(b) An early intervention advocate serves until the plan developed for an at-risk child under section 11 of this chapter has been terminated.

As added by P.L.1-1997, SEC.15. Amended by P.L.183-2011, SEC.6.

IC 31-32-3-9**Fees**

Sec. 9. If any fees arise, payment shall be made under IC 31-40.

As added by P.L.1-1997, SEC.15.

IC 31-32-3-10**Civil immunity; employee of or volunteer for an early intervention advocate; preventative program staff member**

Sec. 10. Except for gross misconduct, if:

- (1) a guardian ad litem;
- (2) a court appointed special advocate;
- (3) an employee of a county guardian ad litem or court appointed special advocate program;
- (4) a volunteer for a county guardian ad litem or court appointed special advocate program;
- (5) an early intervention advocate; or
- (6) an employee of or volunteer for an early intervention advocate or staff member of a preventative program established by the court under section 11 of this chapter;

performs the person's duties in good faith, the person is immune from any civil liability that may occur as a result of that person's performance during the time that the person is acting within the scope of the person's duties.

As added by P.L.1-1997, SEC.15. Amended by P.L.183-2011, SEC.7.

IC 31-32-3-11**Voluntary preventative program for at-risk children; criminal history check of staff and early intervention advocate; authorized**

actions; confidential information; request for assistance; civil and criminal immunity

Sec. 11. (a) A juvenile court may establish a voluntary preventative program for at-risk children.

(b) A juvenile court that establishes a program under subsection (a) may, after conducting a criminal history check of every individual who is likely to have contact with a child, appoint staff and an early intervention advocate to implement, coordinate, and carry out the purposes of the program. The court may not appoint an individual under this subsection if the results of the criminal history check disclose that the individual has a record of:

- (1) a conviction for a felony;
- (2) a conviction for a misdemeanor relating to the health and safety of a child; or
- (3) a juvenile adjudication for an act that, if committed by an adult, would be a felony listed in IC 31-27-4-13(a).

(c) The program staff or an early intervention advocate appointed under subsection (b) may:

- (1) receive information concerning an at-risk child from any person; and
- (2) use the information received under subdivision (1) to create, implement, and maintain an individualized plan for the at-risk child and the child's family if the child's parent, guardian, or custodian has consented to the participation of the child in the program. The individualized plan created under this subdivision may include a program of counseling, tutoring, or mentoring.

(d) All information received under the program by the program staff or an early intervention advocate:

- (1) is confidential; and
- (2) may be disclosed only to the following:
 - (A) Program staff or an early intervention advocate appointed to the program under subsection (b).
 - (B) Any person or entity engaged by a person described in clause (A) in creating, implementing, and maintaining a plan for an at-risk child and the child's family.
 - (C) The juvenile court.

(e) The privileged communication between:

- (1) a husband and wife;
- (2) a health care provider and the health care provider's patient;
- (3) a juvenile client and a:
 - (A) licensed social worker;
 - (B) licensed clinical social worker;
 - (C) licensed marriage and family therapist;
 - (D) licensed mental health counselor;
 - (E) licensed addiction counselor; or
 - (F) licensed clinical addiction counselor;
- (4) a school counselor and a student; or
- (5) a school psychologist and a student;

may not prevent an individual described in this subsection from reporting to, requesting assistance from, or cooperating with program

staff or an early intervention advocate under this section.

(f) Any individual may request that a child receive assistance under a program established under subsection (a) if the individual believes a child may be an at-risk child.

(g) After receiving a request that a child receive assistance under a program described in subsection (a), or after receiving information that a child may be an at-risk child, program staff or an early intervention advocate shall determine whether the child would benefit from the program. If the program staff or early intervention advocate determines that the child would benefit from the program, the staff or early intervention advocate shall inform the parent, guardian, or custodian of the determination and request that the parent, guardian, or custodian permit the child to participate in the program. The child (and the parent, guardian, or custodian) may participate in the program only with the consent of the parent, guardian, or custodian.

(h) A person who:

(1) makes a good faith request under subsection (f);

(2) in good faith provides information concerning a child to program staff or an early intervention advocate appointed under subsection (b); or

(3) in good faith participates in a plan under this section;

is immune from civil or criminal liability.

(i) Except as provided under IC 31-33-5, no information received under the program by the program staff or an early intervention advocate may be used against the child in a criminal or civil proceeding.

As added by P.L.183-2011, SEC.8.

IC 31-32-4

Chapter 4. Right to Counsel

IC 31-32-4-1

Persons entitled to representation by counsel

Sec. 1. The following persons are entitled to be represented by counsel:

- (1) A child charged with a delinquent act, as provided by IC 31-32-2-2.
- (2) A parent, in a proceeding to terminate the parent-child relationship, as provided by IC 31-32-2-5.
- (3) Any other person designated by law.

As added by P.L.1-1997, SEC.15.

IC 31-32-4-2

Court appointment of counsel to represent child

Sec. 2. (a) If:

- (1) a child alleged to be a delinquent child does not have an attorney who may represent the child without a conflict of interest; and
- (2) the child has not lawfully waived the child's right to counsel under IC 31-32-5 (or IC 31-6-7-3 before its repeal);

the juvenile court shall appoint counsel for the child at the detention hearing or at the initial hearing, whichever occurs first, or at any earlier time.

(b) The court may appoint counsel to represent any child in any other proceeding.

As added by P.L.1-1997, SEC.15.

IC 31-32-4-3

Court appointment of counsel to represent parent

Sec. 3. (a) If:

- (1) a parent in proceedings to terminate the parent-child relationship does not have an attorney who may represent the parent without a conflict of interest; and
- (2) the parent has not lawfully waived the parent's right to counsel under IC 31-32-5 (or IC 31-6-7-3 before its repeal);

the juvenile court shall appoint counsel for the parent at the initial hearing or at any earlier time.

(b) The court may appoint counsel to represent any parent in any other proceeding.

As added by P.L.1-1997, SEC.15.

IC 31-32-4-4

Payment for counsel

Sec. 4. Payment for counsel shall be made under IC 31-40.

As added by P.L.1-1997, SEC.15.

IC 31-32-5

Chapter 5. Waiver of Rights

IC 31-32-5-1

Waiver of rights guaranteed to child

Sec. 1. Any rights guaranteed to a child under the Constitution of the United States, the Constitution of the State of Indiana, or any other law may be waived only:

- (1) by counsel retained or appointed to represent the child if the child knowingly and voluntarily joins with the waiver;
- (2) by the child's custodial parent, guardian, custodian, or guardian ad litem if:
 - (A) that person knowingly and voluntarily waives the right;
 - (B) that person has no interest adverse to the child;
 - (C) meaningful consultation has occurred between that person and the child; and
 - (D) the child knowingly and voluntarily joins with the waiver; or
- (3) by the child, without the presence of a custodial parent, guardian, or guardian ad litem, if:
 - (A) the child knowingly and voluntarily consents to the waiver; and
 - (B) the child has been emancipated under IC 31-34-20-6 or IC 31-37-19-27, by virtue of having married, or in accordance with the laws of another state or jurisdiction.

As added by P.L.1-1997, SEC.15.

IC 31-32-5-2

Child's waiver of right to meaningful consultation

Sec. 2. The child may waive the child's right to meaningful consultation under section 1(2)(C) of this chapter if:

- (1) the child is informed of that right;
- (2) the child's waiver is made in the presence of the child's custodial parent, guardian, custodian, guardian ad litem, or attorney; and
- (3) the waiver is made knowingly and voluntarily.

As added by P.L.1-1997, SEC.15.

IC 31-32-5-3

Admissibility of excluded statement for impeachment purposes

Sec. 3. If:

- (1) a statement made knowingly and voluntarily cannot be admitted as evidence against a child because of failure to meet the requirements of section 1 of this chapter; and
- (2) the child testifies in the child's own defense;

the statement may be admitted to impeach the child as a witness in the same manner as evidence of any other prior inconsistent statement can be admitted for impeachment.

As added by P.L.1-1997, SEC.15.

IC 31-32-5-4**Waiver of rights during custodial interrogation**

Sec. 4. In determining whether any waiver of rights during custodial interrogation was made knowingly and voluntarily, the juvenile court shall consider all the circumstances of the waiver, including the following:

- (1) The child's physical, mental, and emotional maturity.
- (2) Whether the child or the child's parent, guardian, custodian, or attorney understood the consequences of the child's statements.
- (3) Whether the child and the child's parent, guardian, or custodian had been informed of the delinquent act with which the child was charged or of which the child was suspected.
- (4) The length of time the child was held in custody before consulting with the child's parent, guardian, or custodian.
- (5) Whether there was any coercion, force, or inducement.
- (6) Whether the child and the child's parent, guardian, or custodian had been advised of the child's right to remain silent and to the appointment of counsel.

As added by P.L.1-1997, SEC.15.

IC 31-32-5-5**Parent's waiver of right to representation by counsel**

Sec. 5. A parent who is entitled to representation by counsel may waive that right if the parent does so knowingly and voluntarily.

As added by P.L.1-1997, SEC.15.

IC 31-32-5-6**Waiver of service of summons**

Sec. 6. Any person other than the child may waive service of summons if the person does so in writing.

As added by P.L.1-1997, SEC.15.

IC 31-32-5-7**Waiver of right of parent, guardian, or custodian to be present at hearing concerning child**

Sec. 7. The right of a parent, guardian, or custodian to be present at any hearing concerning the person's child is waived by the person's failure to appear after lawful notice.

As added by P.L.1-1997, SEC.15.

IC 31-32-6

Chapter 6. Trial in Open Court; Jury Trial

IC 31-32-6-1

Adults charged with contempt or criminal charges

Sec. 1. All proceedings in the juvenile court involving adults charged with:

- (1) contempt of court; or
- (2) criminal charges;

shall be tried in open court.

As added by P.L.1-1997, SEC.15.

IC 31-32-6-2

Exclusion of public

Sec. 2. The juvenile court shall determine whether the public should be excluded from a proceeding other than a juvenile proceeding described in section 3 of this chapter.

As added by P.L.1-1997, SEC.15.

IC 31-32-6-3

Certain delinquency proceedings open to public

Sec. 3. Except as provided in section 4 of this chapter, a delinquency proceeding is open to the public whenever a petition alleging that the child has committed an act that would be murder or a felony if committed by an adult is filed under IC 31-37-10.

As added by P.L.1-1997, SEC.15.

IC 31-32-6-4

Closing of proceeding to protect child witness or child victim; motion

Sec. 4. (a) Upon motion of the prosecuting attorney, the child, or the child's guardian ad litem, counsel, parent, guardian, or custodian, the court may issue an order closing a proceeding during the testimony of a child witness or child victim if the court finds that:

- (1) an allegation or a defense involves matters of a sexual nature; and
- (2) closing the proceeding is necessary to protect the welfare of a child witness or child victim.

(b) Upon motion of the prosecuting attorney, the child, or the child's guardian ad litem, counsel, parent, guardian, or custodian, the court may issue an order closing a proceeding during the testimony of a health care provider if the court finds that:

- (1) the testimony involves matters that would be protected under 45 CFR Parts 160 and 164 (Health Insurance Portability and Accountability Act of 1996 (HIPAA)); or
- (2) the testimony involves matters that would be a privileged communication between a health care provider and the health care provider's patient.

(c) Upon motion of the prosecuting attorney, the child, or the child's guardian ad litem, counsel, parent, guardian, or custodian, the

court may issue an order closing a proceeding during the testimony of:

- (1) a:
 - (A) certified social worker;
 - (B) certified clinical social worker; or
 - (C) certified marriage and family therapist;regarding a client;
- (2) a school counselor regarding a student; or
- (3) a school psychologist regarding a student.

As added by P.L.1-1997, SEC.15. Amended by P.L.170-2009, SEC.11.

IC 31-32-6-5

Closing of proceeding to protect child witness or child victim; factors

Sec. 5. In determining whether closing a proceeding is necessary to protect the welfare of a child witness or child victim, the court shall consider the following:

- (1) The nature of the allegation or defense.
- (2) The age of a child witness or child victim.
- (3) The psychological maturity of a child witness or child victim.
- (4) The desire of a child witness or child victim to testify in a proceeding closed to the public.

As added by P.L.1-1997, SEC.15.

IC 31-32-6-6

Closing of proceeding to protect child witness or child victim; findings; filing of exclusion order

Sec. 6. If a proceeding is closed to the public under section 4 of this chapter, the juvenile court shall:

- (1) make findings of fact concerning the closing of the proceeding; and
- (2) place the exclusion order in the file of the proceedings.

As added by P.L.1-1997, SEC.15.

IC 31-32-6-7

Bench trials; jury trial for adult charged with crime

Sec. 7. (a) Except as provided in subsection (b), all matters in juvenile court shall be tried to the court.

(b) A trial of an adult charged with a crime shall be tried to a jury unless the adult requests a bench trial.

As added by P.L.1-1997, SEC.15.

IC 31-32-6-8

Exclusion of child

Sec. 8. In proceedings involving:

- (1) the termination of the parent-child relationship; or
- (2) a child in need of services;

the child may be excluded from any part of any hearing for good

cause shown upon the record.

As added by P.L.1-1997, SEC.15.

IC 31-32-7

Chapter 7. Venue

IC 31-32-7-1

Venue of proceedings

Sec. 1. If a child is alleged to be a delinquent child or a child in need of services, proceedings under the juvenile law may be commenced in the county:

- (1) where the child resides;
- (2) where the act occurred; or
- (3) where the condition exists.

As added by P.L.1-1997, SEC.15.

IC 31-32-7-2

Change of venue

Sec. 2. A change of venue from the county may not be granted except under section 3 of this chapter.

As added by P.L.1-1997, SEC.15.

IC 31-32-7-3

Assignment of case or supervision of child to county of child's residence

Sec. 3. (a) Upon:

- (1) the juvenile court's own motion;
- (2) the motion of a child; or
- (3) the motion of the child's parent, guardian, or custodian;

the juvenile court may assign a case to a juvenile court in the county of a child's residence at any time before the dispositional hearing.

(b) Supervision of a child may be assigned to a juvenile court in the county of the child's residence.

(c) The assigning court shall send to the receiving court certified copies of all documents pertaining to the case.

As added by P.L.1-1997, SEC.15.

IC 31-32-8

Chapter 8. Change of Judge

IC 31-32-8-1**Affidavit; time for filing**

Sec. 1. Except as provided in section 2 of this chapter, a change of judge may be granted only for good cause shown by affidavit filed at least twenty-four (24) hours before the fact-finding hearing.

As added by P.L.1-1997, SEC.15.

IC 31-32-8-2**Proceedings to terminate parent-child relationship with individual convicted of criminal offense**

Sec. 2. The judge who presided over the trial at which an individual was convicted of an offense listed in IC 31-35-3-4 may not be the judge who presides over the proceedings in an action filed under IC 31-35-3 with respect to that individual.

As added by P.L.1-1997, SEC.15.

IC 31-32-9

Chapter 9. Service of Summons

IC 31-32-9-1

Manner of service

Sec. 1. (a) Service may be made upon any person under Rule 4.1 of the Indiana Rules of Trial Procedure.

(b) Personal service must be made at least three (3) days before the hearing to which the person is summoned.

(c) Service by mail must be sent at least ten (10) days before the hearing.

(d) Service of summons is not required if the person entitled to be served attends the hearing.

As added by P.L.1-1997, SEC.15.

IC 31-32-9-2

Service by publication

Sec. 2. (a) If any person other than the child cannot be served in accordance with Rule 4.1 of the Indiana Rules of Trial Procedure, the juvenile court may order service by publication in accordance with Rule 4.13 of the Indiana Rules of Trial Procedure. However, the summons must clearly inform the person being served that the person must respond not later than ten (10) days after the last publication.

(b) If:

(1) the action is to terminate the parent-child relationship; and

(2) the parent cannot be served in accordance with Rule 4.1 of the Indiana Rules of Trial Procedure;

service must be made by publication.

As added by P.L.1-1997, SEC.15.

IC 31-32-10

Chapter 10. Discovery

IC 31-32-10-1

Criminal discovery procedures; delinquency proceedings

Sec. 1. In cases in which a child is alleged to be a delinquent child, the law of discovery for criminal cases applies.

As added by P.L.1-1997, SEC.15.

IC 31-32-10-2

Criminal discovery procedures; adult criminal proceedings

Sec. 2. In cases in which an adult is charged with a crime, the law of discovery for criminal cases applies.

As added by P.L.1-1997, SEC.15.

IC 31-32-10-3

Civil discovery procedures

Sec. 3. In cases other than those described by section 1 or 2 of this chapter, the law of discovery for civil cases applies.

As added by P.L.1-1997, SEC.15.

IC 31-32-11

Chapter 11. Evidence

IC 31-32-11-1

Admissibility of privileged communications

Sec. 1. The privileged communication between:

- (1) a husband and wife;
- (2) a health care provider and the health care provider's patient;
- (3) a:
 - (A) licensed social worker;
 - (B) licensed clinical social worker;
 - (C) licensed marriage and family therapist;
 - (D) licensed mental health counselor;
 - (E) licensed addiction counselor; or
 - (F) licensed clinical addiction counselor;and a client of any of the professionals described in clauses (A) through (F);
- (4) a school counselor and a student; or
- (5) a school psychologist and a student;

is not a ground for excluding evidence in any judicial proceeding resulting from a report of a child who may be a victim of child abuse or neglect or relating to the subject matter of the report or failing to report as required by IC 31-33.

As added by P.L.1-1997, SEC.15. Amended by P.L.122-2009, SEC.30.

IC 31-32-12

Chapter 12. Mental or Physical Examinations

IC 31-32-12-1

Mental or physical examination or treatment

Sec. 1. If the procedures under IC 31-32-13 are followed, the juvenile court may authorize mental or physical examinations or treatment under the following circumstances:

- (1) If the court has not authorized the filing of a petition but a physician certifies that an emergency exists, the court:
 - (A) may order medical or physical examination or treatment of the child; and
 - (B) may order the child detained in a health care facility while the emergency exists.
- (2) If the court has not authorized the filing of a petition but a physician certifies that continued medical care is necessary to protect the child after the emergency has passed, the court:
 - (A) may order medical services for a reasonable length of time; and
 - (B) may order the child detained while medical services are provided.
- (3) If the court has authorized the filing of a petition alleging that a child is a delinquent child or a child in need of services, the court may order examination of the child to provide information for the dispositional hearing. The court may also order medical examinations and treatment of the child under any circumstances otherwise permitted by this section.
- (4) After a child has been adjudicated a delinquent child or a child in need of services, the court may order examinations and treatment under IC 31-34-20 or IC 31-37-19.

As added by P.L.1-1997, SEC.15.

IC 31-32-12-2

Temporary confinement of child

Sec. 2. (a) The juvenile court may order temporary confinement for not more than fourteen (14) days, excluding Saturdays, Sundays, and legal holidays, to complete the mental or physical examination of a child.

(b) This section does not authorize a commitment under IC 12-26.

As added by P.L.1-1997, SEC.15.

IC 31-32-12-3

Return of child after passing of emergency

Sec. 3. Whenever an emergency has passed or whenever medical care is no longer necessary under section 1(2) of this chapter, the child shall be returned to the child's parent, guardian, or custodian unless:

- (1) a petition has been filed; and
- (2) the court has determined under IC 31-34-5 or IC 31-37-5 that the child should remain in detention.

As added by P.L.1-1997, SEC.15.

IC 31-32-12-4

Effect of chapter

Sec. 4. This chapter is in addition to, is not limited by, and does not limit IC 16-36-3.

As added by P.L.1-1997, SEC.15.

IC 31-32-13

Chapter 13. Issuance of Orders

IC 31-32-13-1

Motion for issuance of order

Sec. 1. Upon a juvenile court's motion or upon the motion of a child's parent, guardian, custodian, or guardian ad litem, a probation officer, a caseworker, the prosecuting attorney, the attorney for the department of child services, or any person providing services to the child or the child's parent, guardian, or custodian, the juvenile court may issue an order:

- (1) to control the conduct of any person in relation to the child;
- (2) to provide a child with an examination or treatment under IC 31-32-12; or
- (3) to prevent a child from leaving the court's jurisdiction.

As added by P.L.1-1997, SEC.15. Amended by P.L.145-2006, SEC.278.

IC 31-32-13-2

Hearing and consideration of matter

Sec. 2. The juvenile court may:

- (1) immediately set a matter described under section 1 of this chapter for hearing; or
- (2) consider the matter at any other proceeding or hearing authorized under the juvenile law.

As added by P.L.1-1997, SEC.15.

IC 31-32-13-3

Notice

Sec. 3. The juvenile court must give notice to any person whose conduct will be regulated by an order issued under section 1 of this chapter to appear at a specified date and time concerning the relief requested under section 1 of this chapter.

As added by P.L.1-1997, SEC.15.

IC 31-32-13-4

Finding; admissible evidence

Sec. 4. The court shall issue an order under section 1 of this chapter if the court finds that good cause to issue the order is shown upon the record. The court may also consider any other evidence presented in other proceedings or hearings authorized under the juvenile law concerning the child as the basis for the issuance of the order.

As added by P.L.1-1997, SEC.15.

IC 31-32-13-5

Specificity of order

Sec. 5. An order issued under section 1 of this chapter must specifically describe in reasonable detail the acts or persons to be regulated under the order.

As added by P.L.1-1997, SEC.15.

IC 31-32-13-6

Duration of order; extension, modification, or dissolution

Sec. 6. An order issued under section 1 of this chapter (or IC 31-6-7-14(a) before its repeal) remains in effect for one (1) year. However, the juvenile court may:

- (1) extend the order for additional one (1) year periods after an annual review of the order; and
- (2) modify or dissolve the order at any time after a showing that:
 - (A) the original circumstances concerning the order have changed; or
 - (B) new circumstances have developed.

As added by P.L.1-1997, SEC.15.

IC 31-32-13-7

Issuance of emergency order

Sec. 7. If:

- (1) the juvenile court determines on the juvenile court's review of the record that an emergency exists; or
- (2) the moving party demonstrates by sworn testimony or affidavit that an emergency exists;

the juvenile court may issue an emergency order without a hearing.

As added by P.L.1-1997, SEC.15.

IC 31-32-13-8

Duration of emergency order

Sec. 8. (a) An emergency order issued under section 7 of this chapter (or IC 31-6-7-14(f) before its repeal) is valid for not more than seventy-two (72) hours, excluding Saturdays, Sundays, and legal holidays.

(b) The juvenile court may extend an emergency order issued under section 7 of this chapter (or IC 31-6-7-14(f) before its repeal) only on good cause shown upon the record for the extension.

As added by P.L.1-1997, SEC.15.

IC 31-32-13-9

Protective order depositories; confidential form

Sec. 9. When a court issues an order or an emergency order under this chapter:

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the petitioner shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

As added by P.L.1-1997, SEC.15.

IC 31-32-14

Chapter 14. Contempt of Court

IC 31-32-14-1

Punishment for contempt

Sec. 1. The juvenile court may punish a person for contempt of court under IC 34-47.

As added by P.L. 1-1997, SEC.15. Amended by P.L. 1-1998, SEC.167.

IC 31-32-15

Chapter 15. Appeals

IC 31-32-15-1

Appeal and review

Sec. 1. Appeals may be taken as provided by law.

As added by P.L.1-1997, SEC.15.

IC 31-32-16

Chapter 16. Involuntary Drug and Alcohol Treatment

IC 31-32-16-1

Involuntary treatment; drug or alcohol treatment

Sec. 1. A proceeding under this chapter is separate from and does not affect:

- (1) a proceeding for involuntary treatment under IC 12-26; or
- (2) an order from a juvenile court under IC 31-37 that requires drug or alcohol treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-2

Filing of verified petition; affidavit; placement in state owned or operated facility; participation of parent, guardian, or custodian in treatment

Sec. 2. (a) A parent, guardian, or custodian of a child may file a verified petition with the juvenile court in the county in which the child resides for involuntary drug and alcohol treatment if the child:

- (1) is incapable of consenting; or
- (2) refuses to consent;

to voluntary treatment.

(b) The verified petition must include an affidavit from a person described in section 4(a) of this chapter who has examined or treated the child not more than thirty (30) days before the filing of the verified petition. The affidavit must state that reasonable grounds exist to believe the child named in the petition is a drug or alcohol abuser (as defined in 440 IAC 4.4-1-1).

(c) Involuntary drug and alcohol treatment under this chapter may include appropriate placement in an inpatient or outpatient program or facility. A person ordered to complete inpatient drug and alcohol treatment under this chapter may not be placed in a facility that is owned or operated by the state.

(d) The judge of the juvenile court in which the verified petition is filed shall inform each parent, guardian, or custodian of the child that the parent, guardian, or custodian may be ordered to participate in any aspect of the child's treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-3

Verified petition; summary of facts

Sec. 3. A verified petition filed under section 2 of this chapter must include the name and age of the child and a summary of facts that support the petitioner's request for involuntary drug and alcohol treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-4

Ex parte probable cause determination; assessment; hearing

Sec. 4. (a) The juvenile court, after making an ex parte

determination that there is probable cause to believe the child is a drug or alcohol abuser (as defined in 440 IAC 4.4-1-1), shall order the child named in the petition to undergo a drug and alcohol assessment. The assessment shall be performed by:

- (1) a psychiatrist (as defined in IC 11-10-3-1);
- (2) a physician (as defined in IC 12-15-35-12); or
- (3) a psychologist with training in drug and alcohol assessment and treatment.

The person who performs the assessment under this section must be different from the person who submitted the affidavit under section 2 of this chapter. If it is determined that involuntary treatment is necessary, the assessment must include a recommended level of care and length of treatment.

(b) After completion of the assessment, the juvenile court shall conduct a hearing. Each person who performed an assessment must be present and available to testify at the hearing.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-5

Treatment; clear and convincing evidence

Sec. 5. Following a hearing, the juvenile court may order involuntary drug and alcohol treatment for not more than forty-five (45) consecutive days if the court finds by clear and convincing evidence that the child:

- (1) is a drug or alcohol abuser (as defined in 440 IAC 4.4-1-1);
- (2) is incapable of consenting to or refuses to consent to voluntary treatment services; and
- (3) will benefit from a period of involuntary drug and alcohol treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-6

Review hearing; additional term of treatment; findings of fact

Sec. 6. (a) Before the expiration of a period of involuntary treatment, the juvenile court shall conduct a review hearing to determine whether further treatment is necessary.

(b) The juvenile court may order an additional term of treatment if it finds at the initial review hearing by clear and convincing evidence that the conditions enumerated in section 5 of this chapter are present and further treatment is necessary. An additional term of involuntary treatment may not exceed forty-five (45) consecutive days, and the juvenile court must conduct a review hearing before the expiration of the additional term. The court may order subsequent terms of involuntary treatment if at each review hearing the court makes findings required by this section.

(c) Each order for an additional term of treatment under subsection (b) must be supported by written findings of fact. The juvenile court shall issue written findings of fact not more than ten (10) days after the review hearing that orders an additional term of involuntary treatment.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-7

Participation of parent, guardian, or custodian in treatment

Sec. 7. The juvenile court may order each parent, guardian, or custodian of the child to participate in any aspect of the child's treatment under section 5 or 6 of this chapter.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-8

Modification of treatment order

Sec. 8. The juvenile court may modify the original terms of involuntary drug and alcohol treatment if it finds by clear and convincing evidence that a substantial change in the circumstances that supported the original terms and conditions of treatment has occurred.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-9

Costs and fees

Sec. 9. A parent, guardian, or custodian is required to pay court costs, court fees, and the costs of assessment and treatment. Neither the court nor the county is liable for any part of the costs of assessment or treatment under this chapter.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-10

Drug and alcohol assessment

Sec. 10. Notwithstanding IC 34-46-3 and IC 25-33-1-17, the judge may order a physician or a psychologist to submit a drug and alcohol assessment to the juvenile court in a proceeding under this chapter.

As added by P.L.196-2003, SEC.2.

IC 31-32-16-11

Guardian ad litem

Sec. 11. The judge of the juvenile court may appoint a guardian ad litem for the child at any time.

As added by P.L.196-2003, SEC.2.