

IC 31-10

ARTICLE 10. GENERAL PROVISIONS

IC 31-10-1

Chapter 1. Effect of the Recodification Act of the 1997 Regular Session of the General Assembly

IC 31-10-1-1

Purpose of recodification act

Sec. 1. The purpose of the recodification act of the 1997 regular session of the general assembly is to recodify prior family law and juvenile law in a style that is clear, concise, and easy to interpret and apply. Except to the extent that:

(1) the recodification act of the 1997 regular session of the general assembly is amended to reflect the changes made in a provision of another bill that adds to, amends, or repeals a provision in the recodification act of the 1997 regular session of the general assembly; or

(2) the minutes of meetings of the code revision commission during 1996 expressly indicate a different purpose;

the substantive operation and effect of the prior family law and juvenile law continue uninterrupted as if the recodification act of the 1997 regular session of the general assembly had not been enacted.

As added by P.L.1-1997, SEC.2.

IC 31-10-1-2

Statutory construction

Sec. 2. Subject to section 1 of this chapter, sections 3 through 8 of this chapter shall be applied to the statutory construction of the recodification act of the 1997 regular session of the general assembly.

As added by P.L.1-1997, SEC.2.

IC 31-10-1-3

Effect on existing rights and liabilities

Sec. 3. (a) The recodification act of the 1997 regular session of the general assembly does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(6) any tax levies made or authorized;

(7) any funds established;

(8) any patents issued;

(9) the validity, continuation, or termination of any contracts or leases executed;

(10) the validity, continuation, scope, termination, suspension, or revocation of:

- (A) permits;
 - (B) licenses;
 - (C) certificates of registration;
 - (D) grants of authority; or
 - (E) limitations of authority; or
- (11) the validity of court decisions entered regarding the constitutionality of any provision of the prior family law and juvenile law;

before the effective date of the recodification act of the 1997 regular session of the general assembly (July 1, 1997). Those rights, liabilities, penalties, offenses, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, leases, permits, licenses, certificates of registration, grants of authority, or limitations of authority continue and shall be imposed and enforced under prior family law and juvenile law as if the recodification act of the 1997 regular session of the general assembly had not been enacted.

(b) The recodification act of the 1997 regular session of the general assembly does not:

- (1) extend, or cause to expire, a permit, license, certificate of registration, or other grant or limitation of authority; or
- (2) in any way affect the validity, scope, or status of a license, permit, certificate of registration, or other grant or limitation of authority;

issued under the prior family law and juvenile law.

(c) The recodification act of the 1997 regular session of the general assembly does not affect the revocation, limitation, or suspension of a permit, license, certificate of registration, or other grant or limitation of authority based in whole or in part on violations of the prior family law and juvenile law or the rules adopted under the prior family law and juvenile law.

As added by P.L.1-1997, SEC.2.

IC 31-10-1-4

Recodification of prior family law and juvenile law

Sec. 4. The recodification act of the 1997 regular session of the general assembly shall be construed as a recodification of prior family law and juvenile law. Except as provided in section 1(1) and 1(2) of this chapter, if the literal meaning of the recodification act of the 1997 regular session of the general assembly would result in a substantive change in the prior family law and juvenile law, the difference shall be construed as a typographical, spelling, or other clerical error that must be corrected by:

- (1) inserting, deleting, or substituting words, punctuation, or other matters of style in the recodification act of the 1997 regular session of the general assembly; or
- (2) using any other rule of statutory construction;

as necessary or appropriate to apply the recodification act of the 1997 regular session of the general assembly in a manner that does not result in a substantive change in the law. The principle of

statutory construction that a court must apply the literal meaning of an act if the literal meaning of the act is unambiguous does not apply to the recodification act of the 1997 regular session of the general assembly to the extent that the recodification act of the 1997 regular session of the general assembly is not substantively identical to the prior family law and juvenile law.

As added by P.L.1-1997, SEC.2.

IC 31-10-1-5

References to repealed or replaced statutes

Sec. 5. Subject to section 8 of this chapter, a reference in a statute or rule to a statute that is repealed and replaced in the same or a different form in the recodification act of the 1997 regular session of the general assembly shall be treated after the effective date of the new provision as a reference to the new provision.

As added by P.L.1-1997, SEC.2.

IC 31-10-1-6

References to provisions of recodification act

Sec. 6. A citation reference in the recodification act of the 1997 regular session of the general assembly to another provision of the recodification act of the 1997 regular session of the general assembly shall be treated as including a reference to the provision of prior family law and juvenile law that is substantively equivalent to the provision of the recodification act of the 1997 regular session of the general assembly that is referred to by the citation reference.

As added by P.L.1-1997, SEC.2.

IC 31-10-1-7

References to rules

Sec. 7. (a) As used in the recodification act of the 1997 regular session of the general assembly, a reference to rules adopted under any provision of this title or under any other provision of the recodification act of the 1997 regular session of the general assembly refers to either:

(1) rules adopted under the recodification act of the 1997 regular session of the general assembly; or

(2) rules adopted under the prior family law and juvenile law until those rules have been amended, repealed, or superseded.

(b) Rules adopted under the prior family law and juvenile law continue in effect after June 30, 1997, until the rules are amended, repealed, or suspended.

As added by P.L.1-1997, SEC.2.

IC 31-10-1-8

References to provisions of prior family law and juvenile law

Sec. 8. (a) A reference in the recodification act of the 1997 regular session of the general assembly to a citation in the prior family law and juvenile law before its repeal is added in certain sections of the recodification act of the 1997 regular session of the general assembly

only as an aid to the reader.

(b) The inclusion or omission in the recodification act of the 1997 regular session of the general assembly of a reference to a citation in the prior family law and juvenile law before its repeal does not affect:

- (1) any rights or liabilities accrued;
- (2) any penalties incurred;
- (3) any violations committed;
- (4) any proceedings begun;
- (5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
- (6) any tax levies made;
- (7) any funds established;
- (8) any patents issued;
- (9) the validity, continuation, or termination of contracts or leases executed;
- (10) the validity, continuation, scope, termination, suspension, or revocation of:
 - (A) permits;
 - (B) licenses;
 - (C) certificates of registration;
 - (D) grants of authority; or
 - (E) limitations of authority; or
- (11) the validity of court decisions entered regarding the constitutionality of any provision of the prior family law and juvenile law;

before the effective date of the recodification act of the 1997 regular session of the general assembly (July 1, 1997). Those rights, liabilities, penalties, offenses, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, leases, licenses, permits, certificates of registration, and other grants of authority continue and shall be imposed and enforced under prior family law and juvenile law as if the recodification act of the 1997 regular session of the general assembly had not been enacted.

(c) The inclusion or omission in the recodification act of the 1997 regular session of the general assembly of a citation to a provision in the prior family law and juvenile law does not affect the use of a prior conviction, violation, or noncompliance under the prior family law and juvenile law as the basis for revocation of a license, permit, certificate of registration, or other grant of authority under the recodification act of the 1997 regular session of the general assembly, as necessary or appropriate to apply the recodification act of the 1997 regular session of the general assembly in a manner that does not result in a substantive change in the law.

As added by P.L.1-1997, SEC.2.

IC 31-10-2

Chapter 2. General Policy Provisions

IC 31-10-2-1

Policy and purpose

Sec. 1. It is the policy of this state and the purpose of this title to:

- (1) recognize the importance of family and children in our society;
- (2) recognize the responsibility of the state to enhance the viability of children and family in our society;
- (3) acknowledge the responsibility each person owes to the other;
- (4) strengthen family life by assisting parents to fulfill their parental obligations;
- (5) ensure that children within the juvenile justice system are treated as persons in need of care, protection, treatment, and rehabilitation;
- (6) remove children from families only when it is in the child's best interest or in the best interest of public safety;
- (7) provide for adoption as a viable permanency plan for children who are adjudicated children in need of services;
- (8) provide a juvenile justice system that protects the public by enforcing the legal obligations that children have to society and society has to children;
- (9) use diversionary programs when appropriate;
- (10) provide a judicial procedure that:
 - (A) ensures fair hearings;
 - (B) recognizes and enforces the legal rights of children and their parents; and
 - (C) recognizes and enforces the accountability of children and parents;
- (11) promote public safety and individual accountability by the imposition of appropriate sanctions; and
- (12) provide a continuum of services developed in a cooperative effort by local governments and the state.

As added by P.L.1-1997, SEC.2. Amended by P.L.35-1998, SEC.3.